

## **ARTICLE 22**

### **TOWN COUNSEL**

#### **Section 1 Office and Qualifications**

The Town shall have a Town Counsel who shall be an individual attorney or group, association, firm, partnership or professional corporation of attorneys admitted to practice in the Commonwealth. Town Counsel need not be a resident of the Town or maintain a law office in the Town.

#### **Section 2 Relationship**

Town Counsel shall be an independent contractor and shall not be an employee of the Town.

#### **Section 3 Appointment and Term**

Town Counsel shall be appointed by a majority of the Board of Selectmen for a term not to exceed one year expiring in each case, on June 30th. Town Counsel shall, in any case, serve at the pleasure of the Board of Selectmen and all contracts shall so state.

#### **Section 4 Screening Committee**

In the event of a vacancy in the Office of Town Counsel, the Selectmen shall, from time to time, establish a Town Counsel Screening Committee consisting of five members, who are residents of the Town, with at least three being members of the Massachusetts Bar and preferably senior attorneys who hire or supervise other attorneys' work. Said Committee will be responsible for nominating candidates who are members in good standing of the Massachusetts Bar for the position of Town Counsel. The Selectmen shall, on or before the first day of July, or whenever a vacancy shall exist, appoint a candidate from among those recommended as qualified by said Committee to serve as Town Counsel. The Selectmen shall have the right to request additional candidates from said Committee.

#### **Section 5 Duties and Request for Services**

a. Town Counsel shall serve as the legal advisor to the Town. In addition to those duties and responsibilities as set forth in the General Laws of the Commonwealth and these By-Laws, all as may be amended from time to time, the Town Counsel shall render all legal services as may be reasonably required of him by the vote of the Town or majority of the Board of Selectmen.

b. All other requests for the services of Town Counsel shall, whenever time permits, be submitted to Town Counsel through the Office of the Town Administrator.

c. That the following shall have the right to request of Town Counsel advice concerning their duties: members of the Board of Selectmen, Town Clerk, Superintendent of Schools, Building Inspector, Director of Public Works, Public Works Commission and Recreation Commission, Director of Public Health, Town Moderator, Comptroller, Town Treasurer/Collector, Tree Warden, Superintendent of Recreation and Chairman of the following Boards or Committees acting with the authority of a majority of their members: Board of Assessors, Board of Appeals, Planning Board, School Committee, Finance Committee, Board of Health, Conservation Commission, Retirement Board, and Personnel Board.

d. That all other Boards or Committees and other Town Officials desiring to obtain legal advice must first obtain the prior consent of the Town Administrator or Board of Selectmen.

All requests for advice under Section b and c of this Article shall be made in good faith and be of sufficient legal implication to the Town.

#### **Section 6            Authority to Settle**

The Town Counsel shall not make final settlement of any claim to which the Town or any Town Agency is a party unless he has been duly authorized by vote of the Town Meeting, by the majority vote of the Selectmen, unless otherwise provided by law.

#### **Section 7            Authority to Prosecute**

The Town Counsel shall, if requested by the Selectmen, prosecute in the appropriate court, any cases of violation of the Statutes of the Commonwealth or By-Laws of the Town.

#### **Section 8            Special and Interim Counsel**

Unless expressly authorized by statute, a vote of Town Meeting, or vote of the Selectmen, no Board, Officer or Official of the Town shall engage, for remuneration to be paid by the Town, any attorney, other than Town Counsel, with regard to its or his official duties, or any Town business, or the business of any of the Departments thereof. The Selectmen may, whenever they deem necessary, employ special and/or interim counsel to assist or act in place of Town Counsel. Said special counsel need not be a resident of the Town.